



LAND USE PLAN AMENDMENT APPLICATION

RECEIVED

JAN 19 2022

CITY OF SNELLVILLE
PLANNING & DEVELOPMENT

APPLICATION TO AMEND THE FUTURE LAND USE MAP, SNELLVILLE GEORGIA

City of Snellville
Planning & Development Department
2342 Oak Road, 2nd Floor
Snellville, GA 30078
Phone 770.985.3515 Fax 770.985.3551 www.snellville.org

DATE RECEIVED: _____

CASE # **LUP 22-01**

Version 10-29-2020

Applicant is: (check one)
 Owner's Agent
 Contract Purchaser
 Property Owner

Owner (if not the applicant): check here if there are additional property owners and attach additional sheets.

CITY OF SNELLVILLE, GOERGIA
Name (please print)
2342 OAK ROAD
Address
SNELLVILLE, GEORGIA 30078
City, State, Zip Code
770-985-3518
Phone Number(s) Fax

SINOCOIN INVESTMENT LLC
Name (please print)
3500 LENOX RD NE STE 1500
Address
ATLANTA, GEORGIA 30326-4231
City, State, Zip Code
Phone Number(s) Fax

Contact Person: JASON THOMPSON Phone: 770-985-3515 Fax: _____
Cell Phone: _____ E-mail: JTHOMPSON@SNELLVILLE.ORG

Present Future Land Use Map (FLUM) Designation: COMMERCIAL RETAIL

Requested/Proposed Future Land Use Map (FLUM) Amendment: HIGHWAY 78 EAST ACTIVITY CENTER/NODE

Proposed Use (Describe): UNDEVELOPED LAND

Property Address/Location: 18.04 +/- ACRES IN 3100 BLK ROSEBUD ROAD District 5 Land Lot 100 Parcel(s) 023

APPLICATION FEES:

- Land Use Plan Amendment \$ 300
- Public Notice Sign \$ 75 (single-sided) or \$125 (double-sided) per parcel, per road frontage
- Adjoining Property Owner Notice \$ 15 (per adjoining property X 2 public hearings)

UDO Sec. 103-9.4.B. Future Land Use Map Amendments

Future Land Use Map amendment applications must include the following:

1. Payment of the appropriate application fee as determined by the fee schedule.
2. A current legal description of the site proposed for amendment. If the site proposed for amendment includes multiple lots, provide a separate legal description for each individual lot, together with a composite legal description for the entire site.
3. Ten (10) printed boundary surveys of the site that is to have a revised land use under the applicant's proposal, at least one of which should be an 11 x 17-inch (or smaller) reduction. In addition, a digital copy in .pdf format must be submitted using email, flash drive, or other means approved by the Director. The survey must have been prepared by a registered land survey no more than 12 months before the date of submittal.
4. All permitted land uses for the identified area under the existing Future Land Use Map.
5. All changes to existing land use designations that are proposed by the application.
6. All land uses immediately adjacent to the subject property under the existing Future Land Use Map.
7. A letter listing all the reasons for the amendment application.
8. Applicant's and/or owner's certification.
9. Names and addresses of the owner(s) of the land or their agent(s), if any, authorized to apply for an amendment.



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770-985-3518
Phone Number(s) Fax

THE KROGER CO
Name (please print)
1014 VINE ST
Address
CINCINNATI, OHIO 45202-1141
City, State, Zip Code
Phone Number(s) Fax

Contact Person: JASON THOMPSON Phone: 770-985-3515 Fax: _____

Cell Phone: _____ E-mail: JTHOMPSON@SNELLVILLE.ORG

Present Future Land Use Map (FLUM) Designation: COMMERCIAL RETAIL

Requested/Proposed Future Land Use Map (FLUM) Amendment: HIGHWAY 78 EAST ACTIVITY CENTER/NODE

Proposed Use (Describe): UNDEVELOPED LAND

Property Address/Location: 23.61 +/- ACRES AT 1000 ATHENS HWY District 5 Land Lot 100 Parcel(s) 065

APPLICATION FEES:

- Land Use Plan Amendment \$ 300
- Public Notice Sign \$ 75 (single-sided) or \$125 (double-sided) per parcel, per road frontage
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Land Use Plan Amendment Application
Attachment A

Pursuant to Section 103-9.4.B.10. of the Snellville Unified Development Ordinance, **a written, documented analysis of the impact of the proposed land use change with respect to each of the following matters shall be included.** Please respond to the following standards in the space provided or attach additional sheets if necessary. **Simple yes/no answers or re-statement of the standard is not acceptable and shall be considered non-responsive.**

A. Whether the proposed land use change will permit uses that are suitable in view of the uses and development of adjacent and nearby properties.

Response: The proposed land use change will permit a mixture of uses, including mixed-residential, retail, civic, office, restaurant, and recreation in a walkable environment that are suitable to the uses and development of adjacent and nearby properties.

B. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby properties.

Response: The proposed land use change will increase the usability of the property and allow a mixture of uses, not just commercial retail uses as currently designated. The proposed land use change is in keeping with the policies and goals of the Snellville 2040 Comprehensive Plan and especially the Rosebud Road Activity Node of the Highway 78 East Activity Center/Node.

C. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome uses of existing streets, transportation facilities, utilities, or schools.

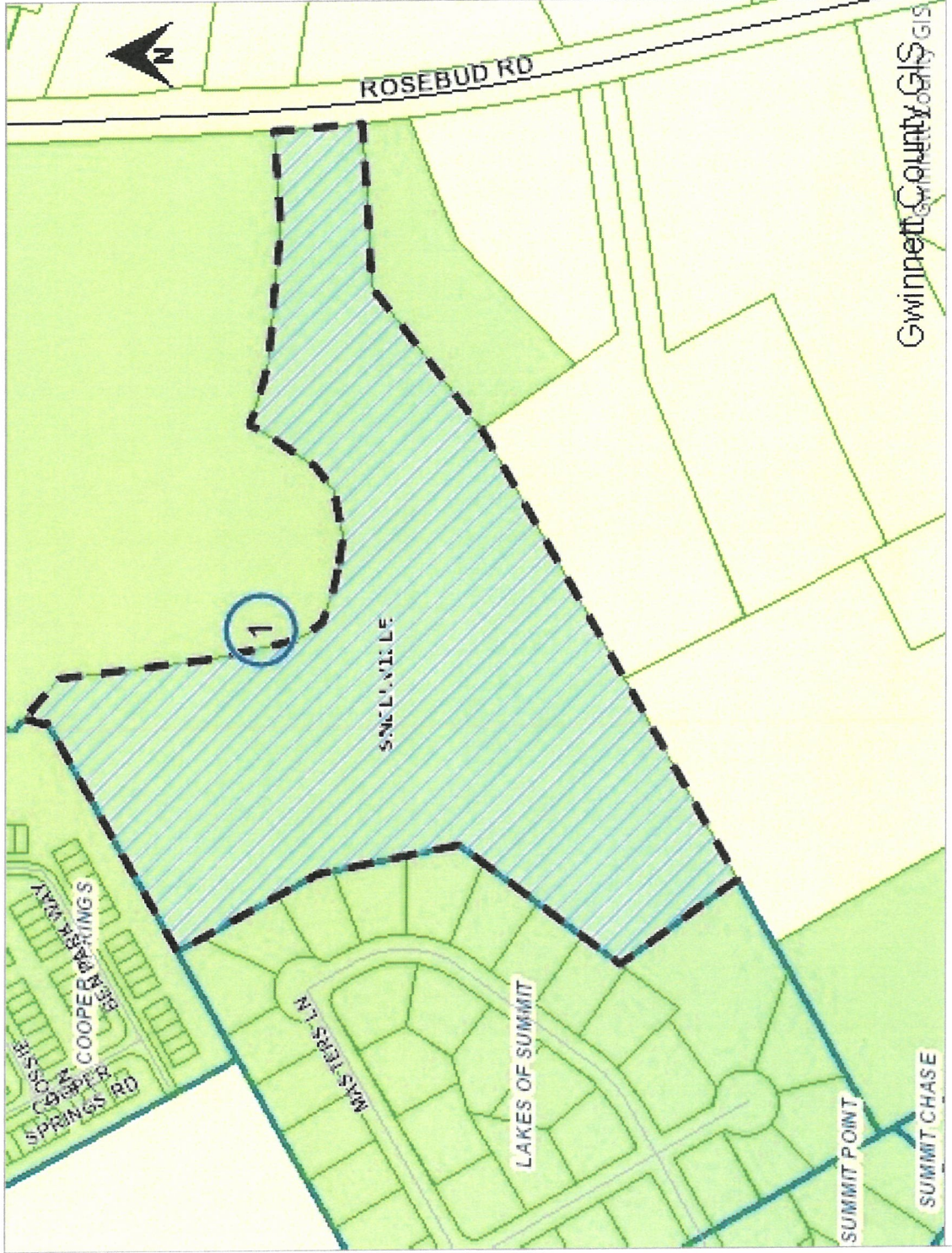
Response: Because of the variety and mixture of uses (residential and commercial) that would be permitted with the change in land use, the proposed land use change could actually reduce the burden placed on existing streets and utilities. Obviously any type of residential use, other than age-restricted developments, would have an impact on existing schools.

D. Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or disapproval of the proposed land use change.

Response: The subject and adjacent 23.61 +/- acre site represent 41.65 +/- acres of prime undeveloped property that is well suited to help achieve and support the policies and goals of the City's Comprehensive Plan through development of the property under the the City's new MU (Mixed-Use) zoning district, whose purpose is to provide for compact, mixed-use development in Snellville's activity center at the Rosebud Road node.

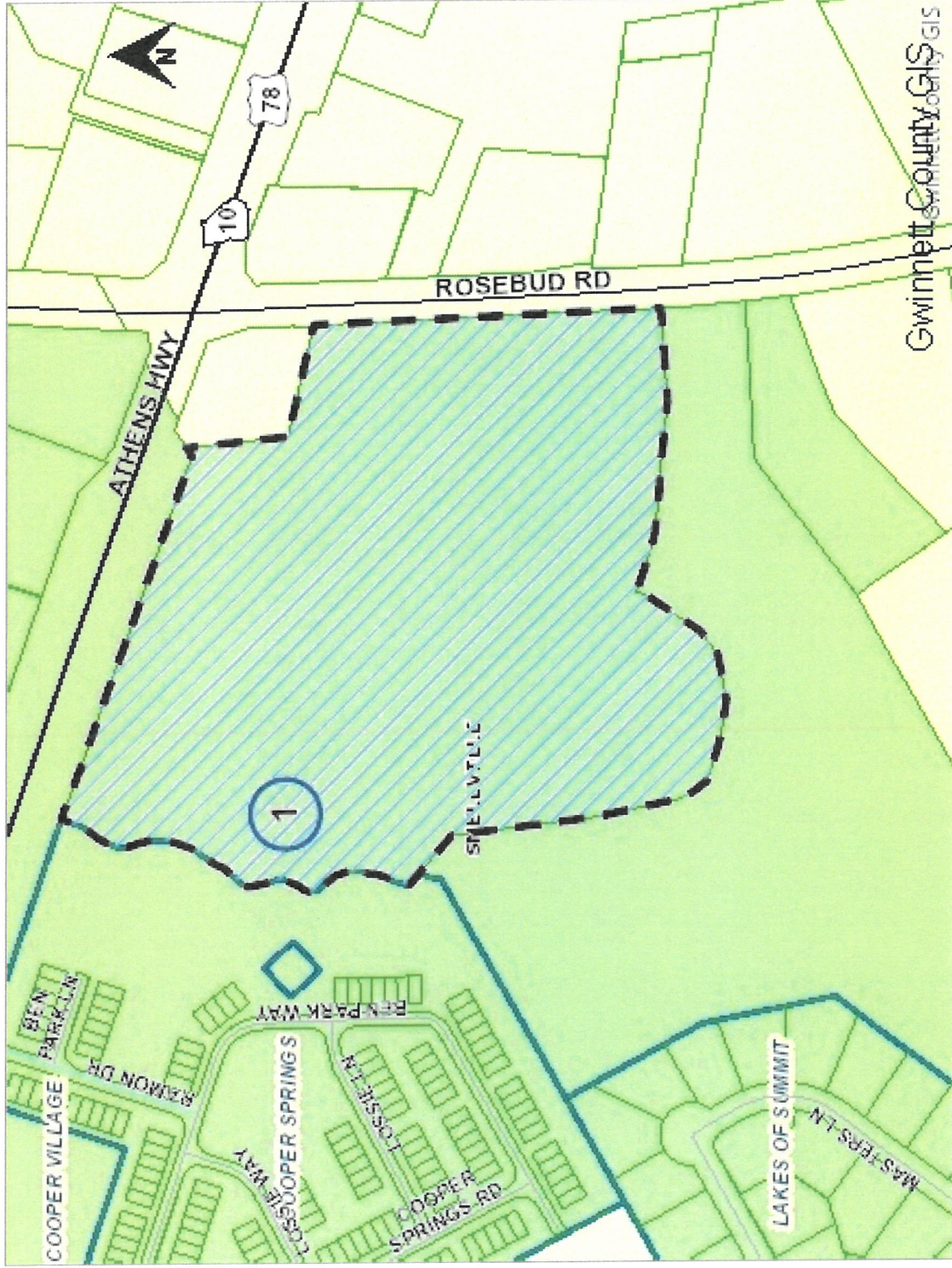
18.04 +/- ACRES IN 3100 BLK
ROSEBUD ROAD - SINOCOIN
INVESTMENT LLC

TAX PARCEL R5100 023



23.61 +/- ACRES AT 1000 ATHENS
HWY - THE KROGER CO

TAX PARCEL R5100 065



Map Printed On 2022-01-19 09:14

MEMORANDUM



TO: Planning Commission and City Council

FROM: Jason Thompson, Director
Department of Planning and Development

MEETING

DATE: February 22, 2022

RE: #LUP 22-01 – Land Use Plan Amendment to the Snellville 2040
Comprehensive Plan Future Land Use Map (“FLUM”)

City initiated proposed amendment to the Snellville 2040 Comprehensive Plan Future Land Use Map, adopted 2-11-2019, to amend two undeveloped parcels of land located near the intersection of U.S. Hwy. 78/Athens Hwy. and Rosebud Road, Snellville as follows:

- 23.61± acre parcel 5100 065 from **Commercial Retail** to **Highway 78 East Activity Center/Node**; and
- 18.04± acre parcel 5100 023 from **Commercial Retail** to **Highway 78 East Activity Center/Node**.

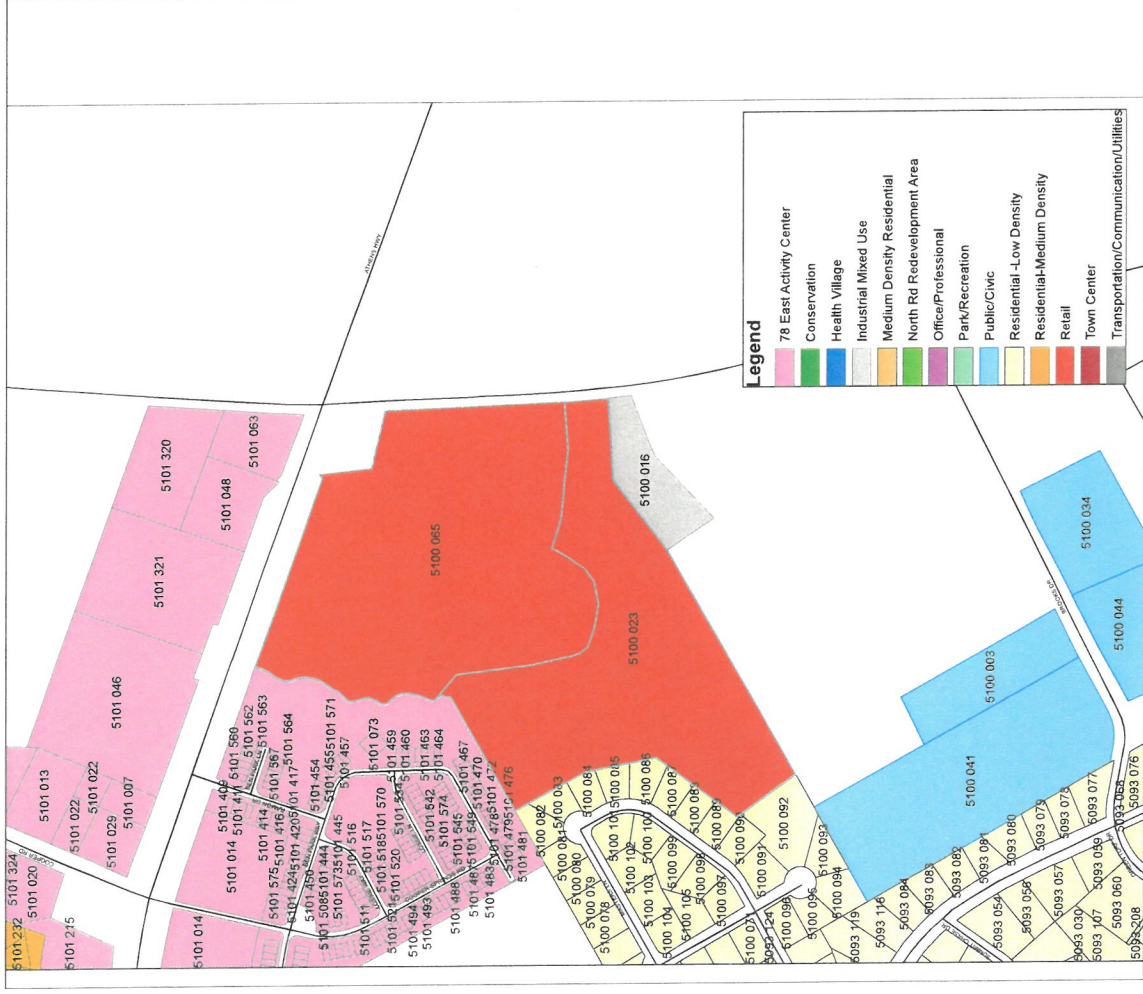
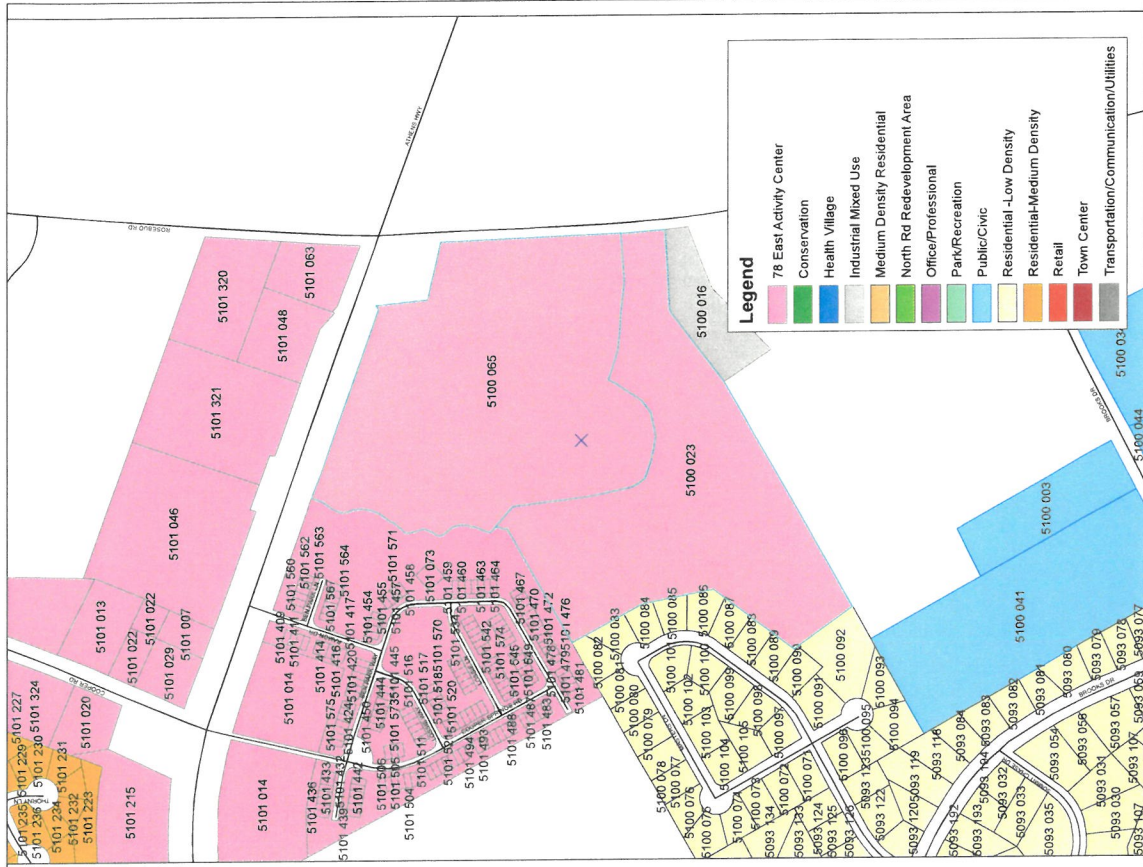
Both parcels are located in the Highway 78 East Character Area on the Snellville 2040 Comprehensive Plan Future Development Map.

The Highway 78 East Character Area is one of the least developed within the City and the two subject parcels represent almost 42 acres of prime property that will help provide an opportunity to encourage clustered, connected mixed-use development at the eastern node of the Highway 78 East Activity Node while allowing a mixture of land uses, similar to the Towne Center, but at a smaller scale, including retail, civic, office, residential, and recreation in a walkable environment.

The MU (Mixed-Use) District was created as a new zoning district with the 2020 adoption of the City’s Unified Development Ordinance (“UDO”) to help guide development within the activity nodes.

The Planning Department recommends **approval** of the proposed FLUM amendments.

LUP 22-01 Commercial Retail to Highway 78 East Activity Center

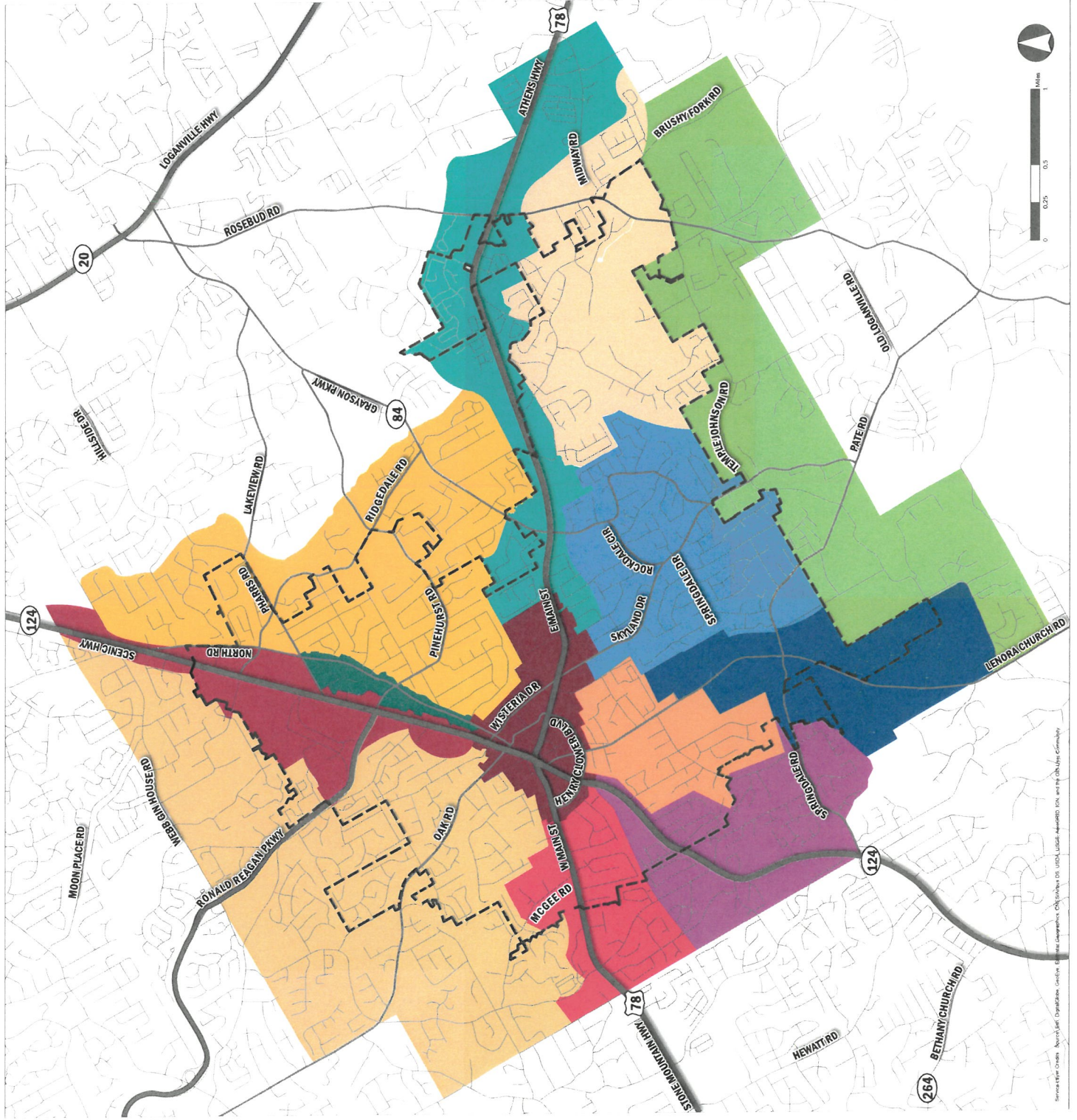


Future Development Map

- City of Snellville
- Major Road
- Local Street

Character Areas

- Brookwood District
- Scenic Highway North
- North Road Transitional Corridor
- Pinehurst
- Highway 78 West
- Towne Center
- Highway 78 East
- Summit Chase
- Skyland
- No Business Creek
- Scenic Highway South
- Lenora Church Road
- Temple Johnson Road



ADOPTED
February 11, 2019

Source: City of Snellville, Georgia, and other sources. City of Snellville, Georgia, is not responsible for any errors or omissions.

Highway 78 East



Existing Character Description

The Highway 78 East character area is one of the least developed within Snellville, consisting mostly of isolated retail uses and undeveloped parcels. There are several new residential developments off the highway, including townhomes and single-family homes on smaller lots. Farther east, undeveloped, wooded lots next to the highway make for a more scenic drive. There are fewer individual curb cuts along this portion of the highway because of shared driveway access and large undeveloped tracts. Many segments are missing sidewalks. This portion of US 78 is one of the few major roads in Snellville that has not already been developed as strip commercial, and there is an opportunity to encourage clustered, connected development at key intersections while preserving some frontage as undeveloped land or residential development.

Predominate Land Uses

Commercial/retail, low-density residential, medium-density residential, undeveloped

Vision

A corridor with high developed activity nodes, containing a mixture of uses with a pedestrian scale and infrastructure to support walking and bicycling. The high school is a major center of activity within the character area. Open green space or low-density residential land uses will frame the space around the nodes, which are envisioned at the intersections of US 78 with Grayson Parkway and Rosebud Road.

Key Implementation Strategies

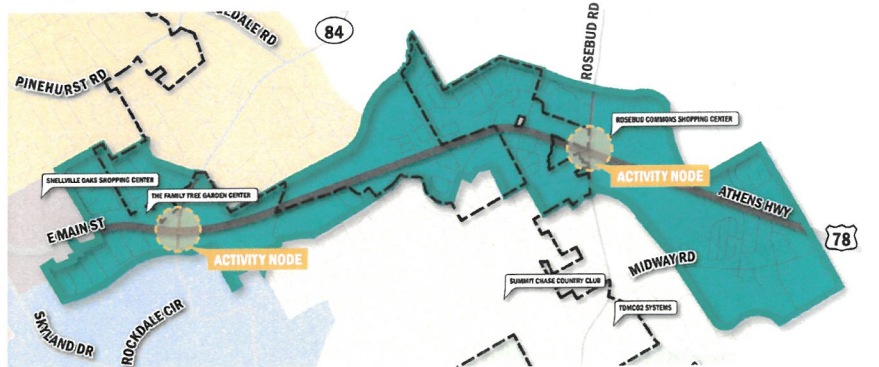
- Create new zoning designation for areas within specified activity nodes. This should permit a mixture of land uses, similar to the Towne Center, but at a smaller scale. A connected street grid network with small blocks and wide pedestrian walkways should be required as properties are redeveloped. Streets should include landscaping, pedestrian-scale lighting, and street furniture. Public gathering areas should be encouraged. Buildings should be limited to no more than three stories and should include facade variation and fenestration. Parking should be located to the rear or side of buildings.
- Prohibit retail and encourage residential development in areas located between activity nodes
- Construct gateway feature along US 78 to signify entrance into the city
- Control and limit access points to US 78
- Require inter-parcel access between developments and parallel access roads where possible
- Implement the planned greenway route along US 78



Potential future character of neighborhood-oriented, small scale, street-facing, mixed use



Existing residences between proposed nodes



Sec. 203-4. MU Mixed-Use District

203-4.1. Purpose

The purpose of this district is to provide for compact, mixed-use development in Snellville's activity centers, in conformance with the Comprehensive Plan.

203-4.2. Use Provisions

A. Allowed Uses

See [Sec. 206-2](#) (Allowed Use Table).

B. Mixed-Use Requirement

1. At least 25% of the total floor area of every development must be residential uses and at least 25% of the total floor area of every development must be nonresidential uses.
2. No certificates of occupancy may be issued for more than 100 dwelling units in a development until certificates of occupancy have also been issued for at least 10,000 square feet of nonresidential floor area on the same development.
3. No certificates of occupancy may be issued for more than 10,000 square feet of nonresidential floor area on a development until certificates of occupancy have been issued for at least 100 dwelling units on the same development.

203-4.3. Building Types

Building type requirements apply in the MU district and the following types are allowed:

- A. Detached house
- B. Carriage house
- C. Cottage court
- D. Semi-detached house
- E. Townhouse

- F. Walk-up flat
- G. Stacked flat
- H. Commercial house
- I. Shopfront
- J. Mixed-use building
- K. General building
- L. Civic building

203-4.4. Architectural Standards

See [Sec. 201-4](#) (Enhanced Architectural Standards).

203-4.5. Site Development Standards

See [Article 7 \(Site Development\)](#) for parking and loading, buffer and screening, landscaping, tree ordinance, lighting, signs, and utility requirements.

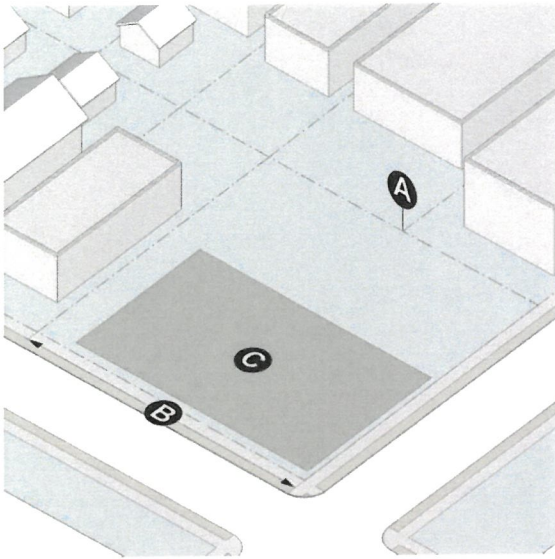
203-4.6. Blocks

See [Sec. 401-3.2](#) for block standards.

203-4.7. Inter-parcel Access

See [Sec. 401-3.4.H](#) (Inter-parcel Access).

203-4.8. Dimensional standards



Site Standards

Density:	12 u/a max.
Amenity Space Requirement:	5% of site min. (all sites)
Civic Space Requirements:	10% of site min. (sites over 5 acres)
Site setback (along rights-of-way):	15 ft. min. and planted per Sec. 207-3
Site setback (not along rights-of-way):	10 ft. min. and planted per Sec. 207-3

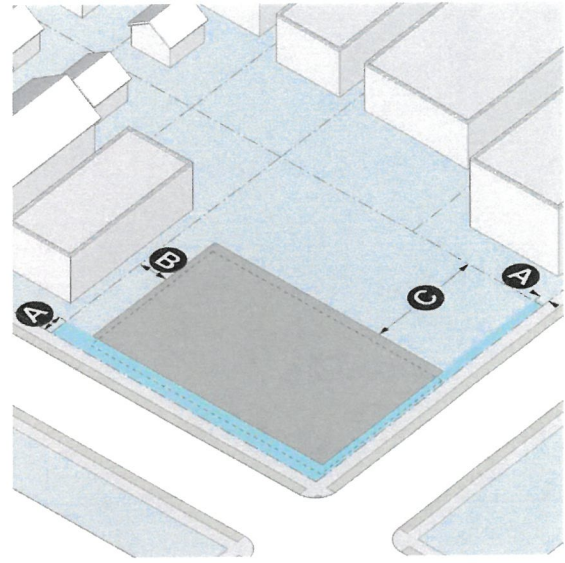
Lot Standards

	(A) Area	(B) Width
Detached House:	2,500 sf. min.	25 ft. min.
Carriage House:	Same as principal structure	
Cottage court	1,200 sf. min.	20 ft. min.
Semi-Detached House:	2,500 sf. min.	25 ft. min.
Townhouse:	800 sf. min.	20 ft. min.
All other building types:	2,500 sf. min.	25 ft. min.

Lot Coverage

(C) All building types:	90% max.
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203-4.9. Building Placement



Building Setbacks [1]

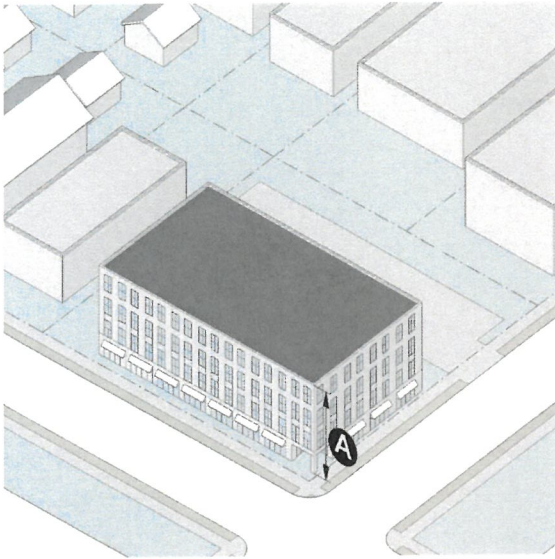
(A) Front and side (street) (State route):	15 ft. min.
(A) Front and side (street) (other):	5 ft. min.
(B) Side (interior):	0 ft. min.
(C) Rear (no alley):	6 ft. min.
(C) Rear (alley):	3 ft. min.

Greater side setbacks, greater rear setbacks, and greater building separation may be required as established by the applicable building or fire codes.

Table Note:

[1] Greater site setbacks also apply per [Sec. 203-4.8](#).

203-4.10. Bulk and Mass



Building Height

Ⓐ Min. Height:	2 stories or 24 ft., whichever is greater.
Ⓐ Max. height:	5 stories or 75 feet, whichever is less

FOR INFORMATIONAL PURPOSE ONLY

UDO Sec.103-9.4. Application Requirements

D. Timing

Applications must be submitted by noon at least 42 days before the date on which it is to be considered by the Planning Commission. Any application that does not include all of the components required in paragraphs A, B, and C above will be considered incomplete; submission date will be considered the date upon which the application is accepted as complete by the Department. Fees for an application to amend this UDO, the Official Zoning Map, the Future Land Use Map, or any combination thereof, must be paid by the applicant upon submission, except that a fee is not charged for applications initiated by the City Council or Planning Commission.

E. Withdrawal

1. Once an application for a Future Land Use Map amendment and/or Official Zoning Map amendment has been made, the applicant may withdraw such application without prejudice until the legal advertisement for the City Council public hearing has been placed in the City's legal organ (no less than 21 days before the City Council public hearing). No application may be withdrawn less than 21 days before the City Council public hearing unless the request for withdrawal is granted by the City Council at the public hearing. Otherwise, all applications must be considered by the City Council.
2. There will be no reimbursement for withdrawn applications. An applicant may request reimbursement in writing to the City Council. Said request will be considered during a regular meeting of the City Council.

F. Denial

If an application for a Future Land Use Map amendment and/or an Official Zoning Map amendment is denied by the City Council, no application affecting any portion of the same property may be submitted less than 12 months from the date of denial.

UDO Sec.103-9.5. Department Study

- A. The Department, upon receiving an application to amend this UDO, Future Land Use Map, or the Official Zoning Map, may do the following:
 1. Consult with other departments of the City or County to fully evaluate the impact of any land use category or zoning district change upon public facilities and services including, but not limited to, schools, drainage, traffic, and related facilities.
 2. Conduct a site review of the property and surrounding area.
 3. Submit a written record of its investigation and recommendations to the Planning Commission and City Council. This report will be a matter of public record.
- B. The Department's report may recommend amendments to the applicant's request which would reduce the land area for which the application is made, change the land use category or zoning district requested, and/or recommend conditions of rezoning which may be deemed advisable so that the purpose of this UDO will be served and the public health, safety, morality, and general welfare secured.

UDO Sec.103-9.6. Planning Commission Action

The Planning Commission must hold a public hearing on each application in accordance with a schedule adopted by the City Council. Staff recommendations on each application must be submitted to the Planning Commission before the public hearing. In addition, the Planning Commission must, with respect to each application, investigate and make a recommendation as to each of the matters set forth in Sec. 103-9.4.B.10 and/or Sec. 103-9.4.C.11 for approval, denial, deferral, withdrawal without prejudice, or no recommendation. Proponents and opponents of any amendment will be allotted at least 10 minutes, per side, for the presentation of data, evidence, and opinion during said public hearing. A written report of the Planning Commission's investigation and recommendation, along with the investigation and recommendation of the Department, must be submitted to the City Council and will be of public record.

UDO Sec.103-9.7. City Council Public Hearing

Before taking action on a proposed amendment and after receipt of the Department of Planning and Development and Planning Commission recommendations and reports thereon where required, the City Council will hold a public hearing on the proposal. At the public hearing, the City Council will review the reports prepared by the Department of Planning and Development and the Planning Commission. So that the purpose of this UDO will be served and the public health, safety, morality, and general welfare secured, the City Council may approve or deny the application, reduce the land area for which the application is made, change the district or land use category requested, and/or add or delete conditions of the application that are more or less restrictive than the current regulations. Proponents and opponents of any amendment will be allotted a

minimum of 10 minutes, per side, for the presentation of data, evidence, and opinion during said public hearing. An action by the City Council to defer the application will include a statement of the date and time of the next meeting at which the application will be considered, which statement will constitute public notice of the hearing on the application and no further notice, such as that required by Sec. 103-9.8 (Public Notification), is required.

UDO Sec. 103-9.8. Public Notification

The following are required for applications to amend the Future Land Use Map, Official Zoning Map, conditions of rezoning, or for a special use permit:

A. Legal Notice

Due notice of the Planning Commission meeting and the City Council public hearing must be published in a newspaper of general circulation within the City and the newspaper which carries the legal advertisements of the City, by advertising the application and date, time, place and purpose of the public hearing, not fewer than 15 days, nor more than 45 days before the date of the Planning Commission meeting and the City Council public hearing. If the application is to amend the Future Land Use Map, the notice must include location, current land use category and proposed land use category. However, if the application is for an amendment to the Official Zoning Map, then the notice must also include the location of the property, the present zoning district of the property, and the proposed zoning classification of the property.

B. Signs Posted

The Department must post a sign containing information that indicates that the application(s) has been filed and the date, time, and place of both the Planning Commission meeting and City Council public hearing at which the application(s) will be considered. The sign(s) must be posted at least 15 days, nor more than 45 days before the Planning Commission public hearing and must be posted in a conspicuous place on the property adjacent to and visible from each public street abutting the property for which an application has been submitted. The applicant must submit the required fee for the purchase of said sign(s) at the time such an application(s) is submitted. The applicant must maintain the sign(s) in good condition, making sure they are present and upright throughout the application review period, which must extend through the time of final City Council decision. The Department is responsible for the removal of all public notice sign(s).

C. Letters to Property Owners

The Department must notify the owners of adjoining properties of the property for which the variance is sought and/or their agent by certified mail with return receipt requested as shown by the Gwinnett County GIS Data Browser. The notification must be mailed at least 15 days before the Planning Commission meeting. A second notification mailing must be at least 15 days before the City Council public hearing. The notification must include a description of the application and the date, time, and place of the public hearing.

UDO Sec. 103-9.13. Appeals

Any person aggrieved by a decision or order of the City Council may appeal by certiorari to the Superior Court of Gwinnett County. Any such appeal must be filed within 30 days from the date of the decision of the City Council. Upon failure to file the appeal within 30 days, the decision of the City Council will be final.